

State of Kansas  
Department of Health and Environment

Public Notice Concerning Kansas / Federal  
Water Pollution Control Permits and Applications

State of Kansas  
Department of Health and Environment  
Division of Environment-Bureau of Water  
1000 SW Jackson St., Suite 420  
Topeka, Kansas 66612-1367  
Telephone: (785) 296-6432 - Ag Permits  
(785) 296-5517 - All Others

Public Notice No. KS-AG-19-011/020  
Public Notice No. KS-Q-19-004/009

Beginning Date: January 17, 2019  
Comments Due: February 16, 2019

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 17, 28-18a-1 through 33, 28-16-150 through 154, 28-46-7, and the authority vested with the State by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

\*\*\*\*\*

**Public Notice No. KS-AG-19-011**

**Application(s) for New or Expansion of Existing Swine Facilities**

**Name and Address of Applicant**

Steven and Margo Chartier  
1449 140<sup>th</sup> St  
Horton, KS 66439

**Owner of Property Where Facility Will Be Located**

Steven and Margo Chartier  
1449 140<sup>th</sup> St  
Horton, KS 66439

**Legal Description**

NW/4 of Section 17  
T04S, R17E  
Brown County

**Receiving Water**

Kansas River Basin

**Kansas Permit No.: A-KSBR-S026**

This is notification KDHE has received a complete permit application for the operation of a swine waste management facility capable of housing 2499 head (999.6 animal units) of swine weighing more than 55 pounds each. The complete application can be viewed at the office of the Brown County Clerk, the KDHE District Office in Lawrence, Kansas or the KDHE Main Office in Topeka, KS. A permit to operate the proposed swine waste management system will not be issued without additional public notice.

**Public Notice No. KS-AG-19-012/020****Pending Permits for Confined Feeding Facilities****Name and Address of Applicant****Legal Description****Receiving Water**

Kent F. Condray  
KC Pork, Inc.  
451 3<sup>rd</sup> Rd.  
Clifton, KS 66937

NW/4 and SE/4 of Section 15  
T05S, R01E  
Washington County

Lower Republican  
River Basin

Kansas Permit No.: A-LRWS-H002

Federal Permit No.: KS0085740

This is a reissued permit for an existing facility for 5,346 head (2,138.4 animal units) of swine weighing more than 55 pounds and 11,350 head (1,135 animal units) of swine weighing 55 pounds or less; for a total of 3,273.4 animal units of swine. This represents a reduction in total animal units and reduction in swine buildings and wastewater retention structures from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Steven and Margo Chartier  
1449 140<sup>th</sup> St  
Horton, KS 66439

NW/4 of Section 17  
T04S, R17E  
Brown County

Kansas River Basin

Kansas Permit No.: A-KSBR-S026

This is a new permit for a new facility for 2499 head (999.6 animal units) of swine weighing greater than 55 lbs. The proposed facility will consist of one enclosed swine building with underground concrete manure storage.

Darrell Sturdy  
Sturdy Farms  
1108 West 6<sup>th</sup> St.  
Lyndon, KS 66451

NE/4 of Section 12  
T17S, R15E  
Osage County

Marais des Cygnes  
River Basin

Kansas Permit No.: A-MCOS-B007

This permit is being modified and re-issued for an existing facility for 800 head (400 animal units) of cattle weighing 700 pounds or less. There is no change in permitted animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE. Modifications include the establishment and maintenance of 3.03 acres of grass buffer, construction of a diversion terrace, and construction of a grassed waterway.

Jason Shamburg  
Kansas Dairy Development, LLC  
P.O. Box 237  
Deerfield, KS 67838

S/2 of Section 1  
and N/2 of Section 12  
T24S, R35W  
Kearny County  
and S/2 of Section 6  
and N/2 of Section 7

Upper Arkansas  
River Basin

T24S, R34W  
Finney County

Kansas Permit No.: A-UAKE-C001

Federal Permit No.: KS0037532

This is a permit modification and re-issuance for a livestock facility of approximately 414 acres of open lot pens, calf hutches, feed storage areas, feed roads and alleys, and waste conveyance structures with a maximum capacity of 49,000 head (47,000 animal units). Head counts are; 45,000 head (45,000 animal units) of Beef Cattle weight greater than 700 pounds and 4,000 dairy calves (2,000 animal units) of cattle weighing less than 700 pounds. The waste management system includes drainage channels, various sediment basins, and two earthen retention control structures. Proposed modifications to the facility include the addition of more calf hutches, however the permitted total animal units will remain at 47,000 animal units with 29,000 head (29,000 animal units) of beef cattle weight greater than 700 pounds and 32,000 dairy calves (2,000 animal units) of cattle weighing less than 700 pounds. This facility has an approved Nutrient Management Plan on file with KDHE.

Mike, Doug and Harry Gudenkauf  
Nemaha Valley Holstein Farm  
2204 J Road  
Seneca, KS 66538

SE/4 of Section 10  
and SW/4 of Section 11  
T02S, R12E  
Nemaha County

Missouri River Basin

Kansas Permit No.: A-MONM-M020

This is a renewal permit to be re-issued for an existing facility for 150 head (210 animal units) of mature dairy cows, 80 head (40 animal units) of dairy cattle weighing 700 pounds or less, and 30 head (30 animal units) of dairy cattle weighing greater than 700 pounds; for a total of 280 animal units of dairy cattle. Controls include one earthen wastewater retention control structure, and four grass buffer areas.

David B. Blackwell  
H & H Feedlot  
901 Bluff Drive  
Larned, KS 67550

SW/4 of Section 25  
T22S, R15W  
Pawnee County

Upper Arkansas  
River Basin

Kansas Permit No.: A-UAPN-B007

This is a renewal permit for an existing facility for 999 head (999 animal units) of cattle weighing greater than 700 pounds. The facility has a two-cell earthen retention control structure. There is no change in permitted animal units.

Chris and Carol Scheutze  
Far West Starter Yard, CJ Land & Cattle  
18825 24 Road  
Cimarron, KS 67835

SE/4 of Section 35  
T26S, R27W  
Gray County

Upper Arkansas  
River Basin

Kansas Permit No.: A-UAGY-C015

Federal Permit No.: KS0097021

This is a renewal permit for an existing facility for 1,800 head (1,800 animal units) of cattle weighing more than 700 pounds. There has been no change in animal numbers from the last permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Dustin Bemis  
861 US Hwy 40  
Hays, KS 67601

N/2 of Section 20  
T13S, R19W  
Ellis County

Smoky Hill River Basin

Kansas Permit No.: A-SHEL-B011

This permit is being modified to reflect the facility as it has been built including the feed storage area. There are no other changes to the permit. Only the portions of the permit being modified are subject to comment.

Bruce Livingston  
Basin  
LEI Flat View, LLC  
500 4<sup>th</sup> St.  
Fairbury, NE 68352

SW/4 of Section 8  
T01S, R02E  
Washington County

Big Blue River

Kansas Permit No.: A-BBWS-H013

Federal Permit No.: KS0101087

This is a renewal permit for an existing facility for 4,980 head (1,992 animal units) of swine weighing more than 55 pounds. Two swine finishing buildings will be constructed with under-slat waste storage in reinforced concrete pits, 8 feet deep. There has been no change in animal numbers from the last permit. A walkway will be constructed between the two swine buildings and a composting site will be constructed. The facility's Nutrient Management Plan (NMP) was updated to include a composting site. This facility has an approved Nutrient Management Plan on file with KDHE.

\*\*\*\*\*  
\*\*

**Public Notice No.: KS-Q-19-004/009**

**The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-g), and Federal Surface Water Criteria.**

<u>NAME AND ADDRESS OF APPLICANT</u>	<u>RECEIVING STREAM</u>	<u>TYPE OF DISCHARGE</u>
Lane, City of PO Box 116 Lane, KS 66042	Pottawatomie Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-MC19-OO01

Federal Permit No. KS0081515

Legal Description: NE¼, NE¼, NE¼, S34, T18S, R21E, Franklin County, Kansas

The proposed action is to reissue an existing NPDES/State permit to an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and ammonia, as well as monitoring for pH and E. coli.

Mulberry, City of  
PO Box 187

Cow Creek via  
Unnamed Tributary

Treated Domestic  
Wastewater

Mulberry, KS 66756

Kansas Permit No. M-MC27-OO01

Federal Permit No. KS0087467

Legal Description: NE¼, NE¼, SE¼, S35, T28S, R25E, Crawford County, Kansas

The proposed action is to reissue an existing NPDES/State permit to an existing facility. This facility is a three-cell wastewater stabilization lagoon system. This facility has been issued a variance from the 2013 ammonia criteria which requires the inclusion of a Pollutant Minimization Plan and an alternate ammonia criteria limit that establish the highest attainable condition for the facility, to meet the terms of the "Multiple-Discharger Lagoon Ammonia Variance" in the NPDES permit. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and ammonia, as well as monitoring for pH and E. coli.

Richmond, City of  
PO Box 174  
Richmond, KS 66080

Middle Creek via  
Unnamed Tributary

Treated Domestic  
Wastewater

Kansas Permit No. M-MC43-OO01

Federal Permit No. KS0047422

Legal Description: E½, NW¼, SW¼, S12, T19S, R19E, Franklin County, Kansas

Facility Location: 2750 Butler Terrace, Richmond, KS 66080

The proposed action is to reissue an existing NPDES/State permit to an existing facility. This facility is a five-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for pH, ammonia, and E. coli.

Saline County Commission  
PO Box 5040  
Salina, KS 67401

Gypsum Creek via  
West Branch Gypsum Creek  
via Unnamed Tributary

Treated Domestic  
Wastewater

Kansas Permit No. M-SH46-OO02

Federal Permit No. KS0093009

Legal Description: NW¼, NW¼, SW¼, S32, T14S, R1W, Saline County, Kansas

Facility Location: 2771 S Whitmore Road, Salina, KS 67401

Facility Name: Kipp Wastewater Treatment Plant

The proposed action is to reissue an existing NPDES/State permit to an existing facility. This facility is a two-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for pH, ammonia, E. coli and sulfates.

Tipton, City of  
PO Box 22  
Tipton, KS 67485

South Fork Solomon River  
via Carr Creek via  
Unnamed Tributary

Treated Domestic  
Wastewater

Kansas Permit No. M-SO42-OO01

Federal Permit No. KS0085219

Legal Description: SE¼, NW¼, NW¼, S29, T8S, R10W, Mitchell County, Kansas

The proposed action is to reissue an existing NPDES/State permit to an existing facility. This facility is a

three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for pH, ammonia, E. coli, total phosphorus, sulfates and selenium.

Uniontown, City of  
PO Box 51  
Uniontown, KS 66779

Marmaton River

Treated Domestic  
Wastewater

Kansas Permit No. M-MC46-OO01

Federal Permit No. KS0046051

Legal Description: NE¼, SW¼, NW¼, S26, T25S, R22E, Bourbon County, Kansas

The proposed action is to reissue an existing NPDES/State permit to an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, ammonia, and total suspended solids, as well as monitoring for pH and E. coli.

\*\*\*\*\*

\*\*\*

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision-making process. Comments or objections should be submitted to the attention of Livestock Waste Management Section for agricultural related draft documents or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367.

All comments regarding the draft documents or application notices received on or before **February 16, 2019**, will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-19-011/020, KS-Q-19-004/009) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/ application.

If response to any draft document / application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents / application and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdheks.gov/feedlots>. Division of Environment offices are open from 8 a.m. to 5 p.m., Monday through Friday, excluding holidays.

**Lee Norman**  
**Interim Secretary**  
**Kansas Department of Health and Environment**